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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ALBERT MOSQUEIRA, a single man,

Plaintiff,

v.

BANK OF AMERICA, N.A., a national
lending institution,

Defendant.

Case No. CV-13-1072-PHX-JWS

**SCHEDULING AND PLANNING
CONFERENCE REPORT**

I. Meeting. In accordance with Rule 26(f), Federal Rules of Civil Procedure, a meeting was held on July 9, 2013, and was attended by: Lori N. Brown, attorney for Plaintiff and Teri L. Danish, attorney for Defendant.

As a result of that meeting, the parties recommend the following:

II. Disclosures. The information required by *Fed.R.Civ.P.* 26(a)(1):

- A. ☐ Has been exchanged by the parties.
- B. ☒ Will be exchanged by the parties on or before **July 23, 2013**.
- C. Preliminary witness lists:
 - 1. ☐ Have been exchanged by the parties.
 - 2. ☒ Will be exchanged by the parties on or before **July 23, 2013**.

III. Contested Issues of Fact and Law. Preliminary, the parties expect the following issues of fact and/or law to be presented to the court: Plaintiff's Complaint alleges causes of action for disability discrimination and failure to accommodate. Defendant denies Plaintiff's claims.

IV. Discovery Plan. The parties jointly propose to the court the following discovery plan.

A. The parties expect that discovery will be needed on the following issues: The claims and defenses of the parties.

B. Are there issues about preserving discovery information? ☐ Yes ☒ No

C. Disclosure or discovery of electronically stored information should be handled as follows: Plaintiff believes Defendant is in possession of all electronically stored information that is discoverable by Plaintiff. Plaintiff anticipates no issues relating to disclosure or discovery of electronically stored information although the parties will need to develop a protocol for extracting relevant electronically stored information in its native format from Defendant's computer and network system. If necessary, the parties will also need to develop a protocol for the extraction of electronically stored information on the computers or personal digital assistant of Defendant's employees who interacted with Plaintiff and used those devices for remote access to Defendant's network system.

D. Claims of privilege or of protection of trial preparation materials.

1. ☐ There is no indication that this will be an issue.
2. ☐ The parties have entered into a confidentiality agreement.
3. ☒ The parties will submit their proposed confidentiality agreement on or before: **August 9, 2013**

E. Disclosure of expert reports:

1. By all parties on or before: 90 days before the date set for trial
2. By plaintiff on or before: 150 days before the date set for trial
3. By defendant on or before: 120 before the date set for trial
4. Rebuttal reports on or before: 90 days before the date set for trial

F. Supplementation of disclosures and discovery responses under *Fed.R.Civ.P.* 26(e).

1. ☐ At intervals of ____ [number] days; and final supplements will be served and filed 60 days before the close of fact discovery.
2. ☒ As new information is acquired, but not later than 60 days before the close of fact discovery.

G. A final witness list disclosing all lay and expert witnesses whom a party may wish to call at trial will be served and filed: 45 days prior to close of discovery ¹

H. Time for completing discovery:

1. Fact discovery will be completed on or before: **February 28, 2014;**
2. Expert discovery will be completed on or before: **February 28, 2014**
3. All discovery will be completed on or before: **February 28, 2014**

I. Limitations on discovery.

1. ☒ The limitations contained in *Fed.R.Civ.P.* 26(b), 30, and 33 will apply except as indicated below.
2. The maximum number of depositions by each party will not exceed (number): The parties will comply with the applicable rules of civil procedure.
 - (a) Depositions will not exceed (number) hours as to any deponent.
 - (b) Depositions will not exceed (number) hours as to non-party deponents.
 - (c) Depositions will not exceed (number) hours as to party deponents.²
3. The maximum number of interrogatories posed by each party will not exceed (number): The parties will comply with the applicable rules of civil procedure.

¹ This date may be more than but not less than 45 days prior to the close of discovery. Only those witnesses disclosed at this time will be permitted to testify at trial.

² Unless otherwise specified, the court will consider corporate officer, Rule 30(b)(6) witness, and expert witness deposition to be subject to the time limitation applicable to party depositions.

4. The maximum number of requests for admissions posed by each party will not exceed (number): The parties will comply with the applicable rules of civil procedure.

5. Other limitations: None.

V. Pretrial Motions.

A. Are there preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation that should be filed within 60 days ☐ Yes ☒ No (If yes, explain)

B. Motions—*Fed.R.Civ.P.* 56(b):

1. ☒ Will be served and filed within the times specified in the applicable rules.
2. Motions to amend pleadings or add parties will be filed not later than :
The parties will comply with the applicable rules of civil procedure.
3. Motions under the discovery rules will be filed not later than : The parties will comply with the applicable rules of civil procedure.
4. Motions *in limine* will be filed not later than : The parties will comply with the applicable rules of civil procedure.
5. Dispositive motions (including motions for summary judgment) will be filed not later than 30 days after close of discovery.

VI. Other Provisions:

A. The parties ☐ do ☒ do not request a conference with the court before the entry of a scheduling order. (If the parties *do* request a conference prior to entry of the order, please explain):

B. The parties ☐ do ☒ do not consent to trial before a magistrate judge.

C. The disclosure requirements of *Fed.R.Civ.P.* 7.1, if applicable:

1. ☒ Have been complied with.
2. ☐ Compliance will be accomplished on or before

D. Early settlement/alternative dispute resolution.

1. ☐ Do the parties request immediate assistance by way of a settlement conference or alternative dispute resolution? ☐ Yes ☒ No If Yes, explain (Explanation).

2. ☐ Do the parties wish to consider private mediation or settlement conference with a judicial officer of this court at a later date? ☒ Yes ☐ No.

E. The scheduling order will make provision for pretrial conferences, certification of the case as ready for trial, and a final pretrial order.

VII. Trial.

A. The case is expected to take 4-5 days to try.

B. 1. A jury trial has been demanded. ☒ Yes ☐ No

2. The right to a jury trial ☐ is ☒ is not disputed.

DATED this 10th day of July 2013.

HYMSON GOLDSTEIN & PANTILIAT PLLC

/s/ Lori N. Brown

Lori N. Brown
Attorneys for Plaintiff

McGUIRE WOODS, LLP

/s/ Teri L. Danish

Teri L. Danish
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2013 I electronically transmitted the foregoing **SCHEDULING AND PLANNING CONFERENCE REPORT** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Teri L. Danish, Esq.
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600 Travis Street
Suite 7500
Houston, TX 77002-2906

/s/ Linda Suggs